IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO. 14864 of 2004

Between:

1 Sama Venkata Satyanarayana, S/o Ramanjaneyulu,
r/o Vijayawada, Krishna District.
2 Sama Prameela, W/o Venkata Satyanarayana,

Vijayawada, Krishna District.

..... PETITIONERS

AND

1 Andhra Bank, Zonal Office, rep., by its Deputy General Manager,
Vijayawada, Krishna District.
2 Andhra Bank, rep., by its Chairman, Head Office, Opp:RBI, Pattabhi Buildings,
Pattabhi Raman Road, Saifabad, Hyderabad.
3 Union of India, rep., by Secretary,
Ministry of Finance, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ petition, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate order declaring the action of the respondents in selling the Schedule-II Property (83 sq.yards) separately by closing the entrance to the Schedule-I property (484 sq.yards) by not safeguarding the interest of the petitioners and not treating the Schedule - I and Schedule-II property as factory premises belongs to the petitioners as null and void, illegal, arbitrary, without any authority of law, against the principles of natural justice and violation of Article 21 of the Constitution of India

Counsel for the Petitioner:SMT.K.NAGAMANI

Counsel for the Respondents 1 and 2: Mr. Nooty Ramamohana Rao

Counsel for the Respondent No. 3: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

-

-

-

-

-

-

-

-

-

-

-

Petitioners had earlier approached this Court questioning the vires of the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'). Pursuant to the judgment of the Supreme Court, the writ petition was dismissed with liberty to the petitioners to work out their remedies in accordance with law under the provisions of the Act. After disposal of the writ petition, respondent-bank initiated proceedings for auction of the property. Auction has taken place. Now the grievance of the petitioners is that in selling the schedule-2 property, the passage to Schedule-1 property is separated by closing the previous entrance and therefore, they allege that their interests are not safeguarded. With regard to this grievance also, there is adequate, efficacious remedy available to the petitioners. Petitioners will have to avail of that remedy.

With leave and liberty granted to the petitioners to avail that remedy, the writ petition is dismissed. No costs.

DEVINDER GUPTA,CJ

DATE: 20th August, 2004

C.V. RAMULU,J

Pnb

To

1. The Deputy General Manager, Andhra Bank, Zonal Office, Vijayawada, Krishna District.

2. The Chairman, Andhra Bank, Head Officer, Opp:RBI, Pattabhi Buildings, Pattabhi Raman Road, Saifabad, Hyderabad.

3. The Secretary, Ministry of Finance, Union of India, New Delhi.

4. Two CD copies